

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No. 5306

Yuji ISHINO, et al.

Date: September 28, 2006

Serial No.: 10/570,015

Group Art Unit:

Filed: February 28, 2006

Examiner:

For: PACKED FROZEN SUSHI PRODUCT AND METHODS FOR PREPARING
AND FOR COOKING THE SAME

VIA EFS-WEB
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

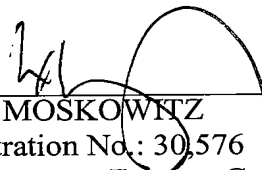
Sir:

Applicant responds to the Notification of Missing Requirements under 35 U.S.C. § 371, dated September 15, 2006. The Notification of Missing Requirements is in error and no additional oath or declaration of the inventor is required.

Please note that an executed Declaration and Power of Attorney was submitted to the United States Patent and Trademark Office concurrently with the application at the time of filing. The International Application Number and International Filing Date are clearly completed on the first page of the Declaration. A copy of the Application Transmittal, executed Declaration, Certification of mailing and the Express Mail receipt are enclosed herewith as supporting evidence. The Application Transmittal clearly indicates that the Declaration was enclosed with the application at the time of filing. As the issuance of the Notice to File Missing Parts is a Patent Office error, no additional fee is due. Despite the foregoing explaining why there are no missing requirements, if a fee is deemed due, the fee should be charged to our Deposit Account No. 15-0700.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE UNITED STATES
PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM
ON SEPTEMBER 28, 2006


MAX MOSKOWITZ
Registration No.: 30,576
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700



UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/570,015	Yuji Ishino	P82427

000002352
 OSTROLENK FABER GERB & SOFFEN
 1180 AVENUE OF THE AMERICAS
 NEW YORK, NY 100368403

OFCS FILE NO.	P824-27
15-NOV-2006	nm
	pm

INTERNATIONAL APPLICATION NO.	
PCT/JP04/12758	
I.A. FILING DATE	PRIORITY DATE
08/27/2004	08/29/2003

CONFIRMATION NO. 5306
 371 FORMALITIES LETTER



OC000000020447027

Date Mailed: 09/15/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/28/2006
- English Translation of the IA filed on 02/28/2006
- Copy of the International Search Report filed on 02/28/2006
- Preliminary Amendments filed on 02/28/2006
- Information Disclosure Statements filed on 02/28/2006
- Request for Immediate Examination filed on 02/28/2006
- U.S. Basic National Fees filed on 02/28/2006
- Priority Documents filed on 02/28/2006

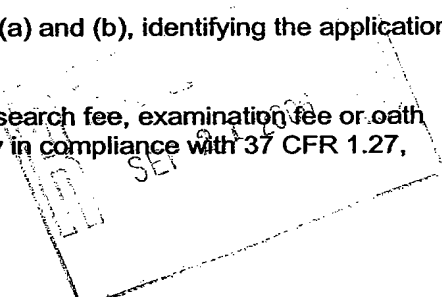
The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:



- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/570,015	PCT/JP04/12758	P82427

FORM PCT/DO/EO/905 (371 Formalities Notice)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

P/824-27

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

PCT/JP2004/012758

INTERNATIONAL FILING DATE

27 August 2004

PRIORITY DATE CLAIMED

29 August 2003

TITLE OF INVENTION

**PACKED FROZEN SUSHI PRODUCT AND METHODS FOR PREPARING AND FOR COOKING THE
SAME**

APPLICANT(S) FOR DO/EO/US

Yuji ISHINO et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An **executed** oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13^{ter}.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EV343679433US) in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 223131450, on February 28, 2006:

Dorothy Jenkins

Name of Person Mailing Correspondence

Signature

February 28, 2006

Date of Signature

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)		INTERNATIONAL APPLICATION NO. PCT/JP2004/012758		ATTORNEY'S DOCKET NUMBER P/824-27	
20. <input checked="" type="checkbox"/> 4 Pages of Drawings, EFS Form: postcard; Copy of 1 st page of publication; PTO-1449 with 6 References, International Search Report, English Translations to Annexes of International Preliminary Examination Report.					
The following fees have been submitted				CALCULATION	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....\$300				\$300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary Examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations.....\$200				\$200.00	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 1. International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400 All other situations.....\$500				\$400.00	
TOTAL OF 21, 22 and 23 =				\$900.00	
[] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
			x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total Claims	9- 20 =		x \$ 50	\$	
Independent Claims	2-3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$900.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.					
SUBTOTAL =				\$450.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). +				\$	
TOTAL NATIONAL FEE =				\$ 450.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by the appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$40.00	
TOTAL FEES ENCLOSED =				\$ 490.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$

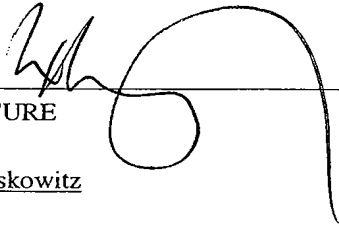
- a. ☒ A check (check number _____) in the amount of \$490.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 15-0700 in the amount of \$_____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0700. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Max Moskowitz, Esq.
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8402

Telephone: (212) 382-0700


SIGNATURE

Max Moskowitz
NAME

30,576
REGISTRATION NUMBER

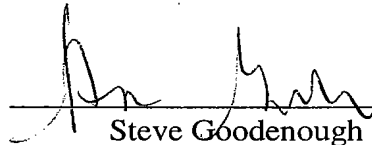
CERTIFICATION

I am the individual who sealed the envelope addressed to the Commissioner for Patents for the new application indicated below.

I certify that immediately before sealing the envelope, I checked its contents and made sure that each and every item listed on the transmittal letter was in the envelope. I then sealed the envelope.

I declare that all statements made herein of my own knowledge are true and were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United State Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Dated: February 28, 2006


Steve Goodenough

OFGS File Number:

P/824-27

First Applicant:

Yuji ISHINO et al.

Title:

PACKED FROZEN SUSHI PRODUCT
AND METHODS FOR PREPARING AND
FOR COOKING THE SAME

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